

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 1-13 are pending in this application. Of these claims, claims 1 and 13 are independent, and the remaining claims, directly or indirectly, depends on claim 1.

**Claim Amendments**

By way of this reply, claims 1 and 13 have been amended to clarify the invention. Specifically, the limitation "so as to be readable/writable" has been added to clarify the function of "the recovery means" and "the recovery step" recited in claim 1 and 13, respectively. No new matter has been added by these amendments. Support for the amendments may be found, for example, in the paragraph starting at line 29 on page 13 of the originally filed specification.

**Rejection(s) under 35 U.S.C. § 102**

Claims 1, 2, and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,017,078 ("Frimout"). As discussed above, independent claim 1 has been amended to clarify the invention. To the extent that this rejection may still apply to amended independent claims 1 and 13, the rejection is respectfully traversed.

Of the rejected claims, amended claims 1 and 13 are independent. Claim 1 requires, in part, a limitation of "recovery means for controlling said recording portion, when a power supply to said control unit is started and if a previous power supply is found to be interrupted

during a recording operation, to retrieve a file having been recorded at the interruption of the power supply from said files and *to close the retrieved file so as to be readable/writable.*" Thus, claim 1 requires that the recovery means retrieves a file having been recorded at the interruption of the power supply from said files and *closes the retrieved file to make the file readable/writable.*

For a scheduled data recording operation to a file, in which an end sign is recorded at the end of the operation, the file becomes incapable of being read/write if the recording operation is interrupted while recording to the file because the end sign is missing, for example, due to a power failure. Accordingly, such a function of the recovery means, as recited in claim 1, enables the file missing an end sign to be readable/writable state by executing a closing process of the file.

The Examiner asserts, in the paragraph 3 of the Office Action, that Frimount teaches the function of the recovery means recited in claim 1 by teaching a recovery of video cells C1-Cn. Applicant respectfully disagrees. Frimount shows DVD player having a recovery control section, which executes a recovery operation for a data stream stored in a recorded area of a photo disc (20) after a power failure. However, the recovery operation in Frimount is not a process for closing a file so as to be readable/writable state as required by claim 1, but is a process for reconstructing an internal data structure which is lost due to a power failure during a recording operation (Frimount, Figure 3 and col. 5, beginning at line 35). Further, the Examiner acknowledges that Frimount executes the recovery operation based on a recording frag 121. However, the recording flag 121 in Frimount does not determine whether a recording sector is readable/writable as a function of the recovery means recited in claim 1, but merely indicates whether a recording process is completed (Frimount, col. 5, beginning at line 5). In fact, in Frimount, the recovery operation referring to the flag 121 is not directed to changing the state of

a file into readable/writable, but is solely directed to reconstructing an internal data structure. Accordingly, Frimount neither shows nor suggests a process for closing a file so as to recover its state to be readable/writable, as required by claim 1.

In view of the above, Frimount fails to show or suggest all of the limitations of amended independent claim 1. Accordingly, claim 1 is patentable over Frimount. By virtue of its dependence, claim 2 is patentable for at least the same reasons as claim 1. Further, amended independent claim 13 requires, in part, "a recovering step of retrieving a file having been recorded at the interruption of the power supply from said files in said recording medium and *closing the retrieved file so as to be readable/ writable*, if the interruption of the power supply is detected in said power interruption detecting step." These limitations are similar to the limitations of amended claim 1 discussed above. Therefore, amended independent claim 13 is patentable over Frimount at least the same reasons as set forth above. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejection(s) under 35 U.S.C § 103**

Claims 3-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Frimount in view of U.S. Patent No. 7,116,889 ("Kweon"). As discussed above, claim 1 is patentable over Frimount. Kweon does not provide that which Frimount lacks with respect to claim 1. Thus, claim 1 is patentable over Kweon. By virtue of their dependence, claims 3-12 are patentable for at least the same reasons as claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04536/024001).

Dated: October 16, 2007

Respectfully submitted,

By JS #45,079  
Jonathan P. Osha ~~FRANK SCHERER~~  
Registration No.: 33,986  
OSHA · LIANG LLP  
1221 McKinney St., Suite 2800  
Houston, Texas 77010  
(713) 228-8600  
(713) 228-8778 (Fax)  
Attorney for Applicant